

**MARYLAND LONGITUDINAL DATA SYSTEM (MLDS)**  
**550 West Baltimore Street**  
**Baltimore, MD 21201**

**GOVERNING BOARD MEETING**

**June 10, 2016**

**MINUTES**

The meeting of the Maryland Longitudinal Data System (MLDS) Governing Board was held on June 10, 2016, in the Maryland State Department of Education (MSDE) Board Room of the Nancy S. Grasmick Building. Dr. James Fielder, Chair of the Governing Board, called the meeting to order at 9:05 a.m. and noted that a quorum was present.

**The following Governing Board members were in attendance:**

Dr. James Fielder, Secretary of Higher Education  
Michael Harrison, Director of the Office of Policy Development, Maryland Department of Labor Licensing and Regulation (Designee for Secretary Kelly Schulz)  
Dr. Ben Passmore, Assistant Vice-Chancellor for Policy Research and Analysis, University System of Maryland (Designee for Chancellor Robert Caret)  
Dr. Henry Johnson, Chief Academic Officer, Maryland State Department of Education (Designee for Interim State Superintendent of Schools Karen B. Salmon)  
Ms. Cheryl Rollins, Director of Institutional Research, Morgan State University (Designee for President David Wilson)  
Ms. Tina Bjarekull, President, Maryland Independent Colleges and Universities Association  
Mr. Brad Phillips, Research Director, Maryland Association of Community Colleges (Designee for Executive Director Bernie Sadusky)  
Mr. Steven Rizzi, Vice President, PAR Government

**The following staff members were in attendance:**

Mr. Ross Goldstein, Executive Director, MLDS Center  
Ms. Tejal Cherry, Director of System Management Branch, MLDS Center  
Ms. Laia Tideman, Data Management Coordinator, MLDS Center  
Dr. Angela Henneberger, Director of Research, MLDS Center  
Dr. Laura Stapleton, Associate Director of Research, MLDS Center  
Dr. Terry Shaw, Associate Director of Research, MLDS Center  
Ms. Dawn O'Croinin, Assistant Attorney General for the Governing Board and MLDS Center  
Ms. James Dixon-Bobbitt, Executive Associate, MLDS Center

**Overview of Center Center Output**

Research Reports

Dr. Angela Henneberger, Research Director for the Center and faculty member at the University of Maryland Baltimore, began by introducing the Research Branch staff members and noting that it is made up of a collaboration between the University of Maryland, Baltimore, School of Social Work (UMB SSW) and the University of Maryland, College Park, College of Education (UMCP CoE). Drs. Shaw and Woolley are faculty at UMB SSW and Dr. Stapleton is a faculty member at UMCP CoE. There are also

graduate students at each institution, including Mathew Uretsky and Susan Klumpner at UMB SSW and James Zheng at UMCP CoE. All of the work being presented was a collaborative effort among the entire team.

Dr. Henneberger noted that the objective of the Research Branch is to conduct rigorous analyses on the 20 Research Agenda questions using advanced statistical methods for analysis of longitudinal education and workforce data. Each research report will include:

1. Background literature review on the research topic;
2. In-depth analyses on critical research and policy topics that would not be possible to study without the longitudinal cross-sector data of the MLDS; and
3. Future directions for research and reporting.

There are five new research reports coming out this summer which are responsive to eight Research Agenda questions.

#### *Early Childhood Care and Education Workforce*

This report is in fulfillment of a required deliverable under the 2012 SLDS Grant for MSDE. The report examines workforce outcomes and retention among early childhood care and education (ECCE) workers. Findings include:

1. About 50% of Maryland ECCE degree earners (in academic years 2008-9 through 2012-13) were found in an ECCE industry in the workforce for four quarters in the calendar year following graduation. There are around 1,000 ECCE degree earners who are mostly female, white and not Hispanic.
2. Of those workers:
  - a. About 50% were retained in the ECCE workforce after 5 years; and
  - b. About 30% re-enrolled in higher education after 5 years.
3. The report also finds that median wages have increased from about \$43,000 to \$48,000 five years after graduation.

#### *Science, Technology, Engineering, and Math (STEM) Workforce;*

This report is in fulfillment of a required deliverable under the 2012 SLDS Grant for MSDE. Findings include:

1. About 40-50% of in-state residents and about 10-15% of out-of-state residents (attended H.S. out-of-state) earning STEM degrees in Maryland were found in the workforce for 4 quarters in the calendar year following graduation.
2. Of Maryland degree earners found in the workforce the year after graduation:
  - a. About 65% of in-state and about 60% of out-of-state residents earning a bachelor's degree were retained after 5 years.
  - b. About 75% of in-state and about 50% of out-of-state residents earning a master's degree were retained after 5 years.
  - c. About 60% of doctoral degree earners were retained after 5 years.

Dr. Henneberger noted that the retention rates are high, especially considering the data do not include federal workers. In response to a question, Dr. Henneberger explained that "retained" means the student was found in the workforce working for 4-quarters consistently for five years after graduation. The data cannot tell us what the student's occupation is - only the industry of the employer. The numbers reported indicate only that the students are working in Maryland, but the report looks at the industries in which they are working.

### *Developmental/Remedial Coursework*

This report is in response to Research Agenda Questions 3 and 6. The report will enhance the Maryland SOAR report and provide a longitudinal context and provide the most recent year's data on remedial coursework.

1. Of 2013-2014 high school graduates enrolling in a Maryland college in 2014-2015:
  - a. 65% took a remedial math assessment; lower for English and reading
  - b. 37% (of all high school graduates who enrolled in college) needed remedial coursework in math; 18% in English; 18% in reading
2. Within this report, staff are currently working on analyzing, high school predictors, transfer and graduation rates, and time to degree.

Mr. Rizzi noted the importance of developing predictors to identify students who will need remediation so that educators can undertake early intervention steps. Dr. Johnson noted that there should be observable changes in remediation rates as a result of new requirements to assess students' college and career readiness in their junior year (beginning with this year's juniors). This assessment allows intervention in the senior year for students not deemed college or career ready. Dr. Passmore noted that this was a major topic at the most recent P20 Council meeting. During the discussion, the data presented was from 2010 - so this report provides more timely information and adds longitudinal context. Mr. Harrison also noted that the P20 Council is required to provide a biennial report on this topic and inclusion of the Center's data would be helpful. Finally, Dr. Johnson noted that MSDE will be reporting information on students who are assessed in the 11th grade as not college and career ready, and follow-up assessments for those deemed in need of transition courses in their senior year as a result of being identified as not college and career ready in the previous year.

### *The Outcomes of High School Persisters*

This report is in response to Research Agenda Questions 2 and 20. The report examines the outcomes of persisters.

1. A persister is a student who:
  - a. Did not formally withdraw from high school and
  - b. Did not earn a high school diploma or certificate of completion by the end of their 4th year in high school.
2. The analyses will include an examination of the college enrollments and workforce outcomes for persisters.
3. This report will provide an in-depth look at the outcomes of a critical group of students typically lost to research analyses during transition points between high school and college or the workforce.

### *The Workforce Outcomes of High School Students*

This report is responsive to Research Agenda questions 18 and 20. The report focuses on:

1. A comparison of workforce outcomes for high school non-completers, diploma earners, certificate of completion earners, and GED earners and will include their:
  - a. Wages over time;
  - b. Information on the industry in which they work;
  - c. Wages by industry.
2. The report will also include a comparison of the methods MLDS uses to calculate wages. Those methods include: four quarter wages, annualized wages, and median wages.

Finally, Dr. Henneberger noted that over the summer, the Research Branch will be collaborating with the Reporting & Data Services, and IT & Systems branches on ways to make Center research and reporting accessible to a wide variety of audiences. This will include translating research reports into highlights for new dashboards and developing reporting briefs based on published dashboards. .

Dr. Fielder noted a recent report that cited 500,000 Marylanders in the workforce who do not have a high school diploma. Dr. Passmore stated that a recent report by the Lumina Foundation (which was handed out at the P20 Council meeting) reported 300,000. Further discussion noted that at least half of those workers include older adults who are situated in the workforce or nearing retirement. That leaves around 150,000 to 200,000 workers in need of some intervention - a large number, but not as great as the original 500,000 estimate. Dr. Fielder noted that it is incumbent to understand these numbers not just for their policy implications but also their budgetary impacts. Dr. Henneberger clarified the the MLDS data only addresses workers for whom there is a student record.

In response to a question from Mr. Harrison, Ms. Tiderman noted that the Research Questions addressed in the reports and dashboards remain a part of the agenda. They are broad questions that the Center will continue to work with and will continue to explore and re-analyze as new data is received or new policies are implemented. Dr. Passmore noted that adding questions to the agenda is a topic the Board needs to be thinking about to ensure the usefulness of the Center to its various constituencies.

#### Data Dashboards

Laila Tiderman provided an overview of the Center's recent output of data dashboards. The Center is in the process of revising dashboards on the website to make them more accessible and easier to navigate. In addition, the re-design will keep the notes, caveats, and other important information about the dashboard with the tables and charts to ensure that information is included when a user prints the dashboard.

Next, Ms. Tiderman provided an overview of several of the dashboards that are currently available on the website, including:

1. High School Graduates with Initial Postsecondary Enrollments - State and County Comparison Tool.
2. High School Outcomes and Postsecondary Enrollment Status - Annualized Wages Over Time - This is a three sector analysis and provides information on the workforce outcomes (annualized wages) based on a student's high school outcome (including diploma, GED, NEDP, or withdrew) and whether they enrolled in a postsecondary institution.

Next steps are to collaborate with the research team on Research Agenda Question 20 regarding high school non-completers and how best to present this information. Staff will also work on reviewing the dashboards to see if there are additional student groups to report on. Finally, an effort will be made provide key highlights from the dashboards in easy to understand infographics that will be made available to the public.

Dr. Fielder asked if the Center has the ability to examine the outcomes of scholarship programs on student recipients. Ms. Tiderman responded that the Center will be receiving financial aid data from MHEC and can begin to address some of those issues.

Mr. Rizzi noted that he had received feedback from people that the dashboards are hard to find on the website and suggested that staff prominently display a link to the dashboards on the homepage. Mr. Rizzi

also noted the need to reach out to broader populations and find ways to provide useful, easy to understand information. Mr. Goldstein responded that staff has been discussing this issue in response to similar a request at the last meeting. There are a couple of ideas that will be implemented. First, the research team will be going through the published dashboards this summer to summarize findings and key takeaways that can be the basis for whitepapers and infographics. Second, staff will begin to engage stakeholder groups at different forums, such as the upcoming MSDE Data Summit and through direct contact, such as meeting with PTAs.

Dr. Johnson asked whether the Center is tracking the number of hits on each dashboard. Ms. Cherry responded that the Center utilizes Google Analytics, but has not yet implemented a process to provide the analytics publicly - but plans to do so.

Finally, Mr. Phillips invited staff to reach out to him or MACC for input on dashboards, noting the challenges of presenting information that appears to suggest that enrolling in a postsecondary institution does not improve workforce outcomes. Dr. Passmore noted that the Research and Policy Advisory Board meetings have been an excellent forum for MLDS partners to provide input to staff on the dashboards and other output. Ms. O’Croinin noted that the Center has a “five year issue” due to the legal requirement to de-link workforce information after five years from the student’s last enrollment in a Maryland educational institution. Mr. Rizzi noted that P20 Council workgroup on the MLDS is exploring that issue.

### **IT Security Audit**

Ms. Cherry began by informing the Board that the Center has been working with the Department of Information Technology (DoIT) to implement a voluntary, independent, IT security audit through the State’s master IT consulting contract. Ms. Cherry introduced Joseph Drissel, CEO of Cyber Engineering Services, who is leading the security audit.

Mr. Drissel thanked the Board for inviting him to speak. Mr. Drissel reported that statewide, there is an effort to assess the security of various departments with the goal to create a more secure network architecture and establish a new set of security processes and procedures. He noted that MLDS Center is being very proactive in addressing security - which is impressive since many organization wait until there is a problem.

Mr. Drissel briefed the Board on his background and experiences with cyber security. Next Mr. Drissel provided an overview of the landscape of cyber threats noting various breaches nationwide and how those concerns apply to educational institutions. He noted that the same bad actors are targeting assets across all sectors. These challenges can be address but there needs to be a paradigm shift to more pro-active rather than reactive strategies. The audit being completed by the MLDS organization represents a step in the right direction. By undergoing a third party review, the audit can be used to enable proper defensive measures and properly assess risk.

The core audit request includes:

1. Vulnerability Scan, which is a basic review to determine, “which doors are open to the house”
2. Penetration Test of data center environment - once the doors are locked to determine whether someone can still find ways to overcome those defenses
3. Review and audit of Technical Architecture Design - to determine if improvements should be made to increase security

4. Review of ETL workflow
5. Review of our MS/AD roles for Least Access
6. Review of MLDS Data Security and Safeguarding Plan (DSSP) and DSSP Implementation Plan
7. Review of PII data security - review to ensure appropriate safeguards are in place
8. Review of physical security
9. Review of IT inventory process
10. Review of System Access procedures
11. Review of VMWare environment
12. Review of the Log Aggregation process
13. Review backup/recovery process
14. Verification that new versions of Windows, Oracle patches
15. Review external system access

These various audit procedures will allow the auditors to develop a cybersecurity risk assessment, which targets specific assets and networks associated with the Maryland Longitudinal Data System Center. From there they will identify recommendations for the remediation of risks found during the assessment. Ultimately, this information will help inform stakeholders, including the Board, of the risk and allow them to realistically assess the level of risk relative to the benefit of the ongoing operations.

The audit will follow the standards established by NIST Publications SP 800-30 (same approach used for federal cybersecurity reviews). Mr. Drissel reviewed the phases under these standards:

Phase 1

- a. Preparation and Discovery
- b. Threat Assessment
- c. Vulnerability Assessment
- d. Initial Code Review
- e. Risk and Recommendations
- f. Report

Phase 2

- a. Preparation and Discovery
- b. Penetration Test
- c. Physical Security (Some completed in Phase I)
- d. Risk and Recommendations
- e. Report

In response to a series of questions from Mr. Rizzi, Mr. Drissel responded that the audit will:

1. Include a review of the MLDS security documents (e.g. *Data Security and Safeguarding Plan*) and a confirmation that the plans established in those documents are in fact being implemented;
2. Review access control and role based security rules permissions established by the Center to ensure least privileged access;
3. The audit penetration test will also utilize social engineering to assess the security of the system; and
4. Assess system access through devices not under the direct control of the Center; and

Mr. Drissel noted that it is impossible to fully block an advanced adversary. But, it is possible to keep them away from the “heart and brain” of the system. For the MLDS, that means ensuring the personally identifiable information is properly encrypted and secure.

Finally, Mr. Drissel noted some of the preliminary findings from the first few weeks of review:

1. Asset Discovery - Two categories of assets in place at MLDS, Primary (Servers, Networking backbone) and Secondary (Workstations, laptops, printers)

2. Physical Security - Primary Assets are protected with above average physical security. Multiple security controls are in place (badge scanners, multiple secure doors, physical locks). Physical theft of devices is unlikely.
3. Physical theft of storage drives containing the MDM Database PII is unlikely.
4. MLDSC devices leverage the MSDE infrastructure.
5. MLDSC assets interact with systems residing at several different levels of security, they will require detailed reviews.
6. Potential security vulnerabilities within MLDSC printer (managed by MSDE) are being evaluated.
7. An evaluation is being performed on the MDM database backup in terms of level of encryption to protect the data in cold storage.

Mr. Drissel indicated that there will inevitably be recommendations as a result of the audit, but, noted again how exceptional the MLDS Center is in being extremely proactive .

In response to a question from Ms. Bjarekull about the audit timeline, Ms. Cherry responded that it should take at least two to three months. When the report is completed, it will be distributed to the Board and reviewed at a subsequent Governing Board meeting.

#### **Synthetic Data Project - Approval of MOU**

Mr. Goldstein began with a review of the status of the synthetic data project. The Center will receive \$2.6 million in funding for the project as part of the larger 2015 SLDS Grant awarded to MSDE. The project has been discussed at several previous Governing Board meetings. For this a meeting decision needs to be made on whether to move forward with the project. To begin the discussion, Mr. Goldstein introduced Dr. Carla Howe, a Senior Program Manager with the SLDS State Support Team, to provide some additional insights and perspective on the Synthetic Data Project from the federal level.

Dr. Howe noted that she works directly with the SLDS Program under the U.S. Department of Education. In response to a question, Dr. Howe noted that she is an employee of AEM Corp., which is a contractor supporting the SLDS Program. She works with all states in their implementation of state longitudinal data systems with a specific focus on states that received an SLDS Grant award.

Dr. Howe stated that the SLDS Program views the synthetic data project as one of the most intriguing projects in this grant round. It is leading edge work that addresses an issue that many states are grappling with: how to use data to support policy decision making while protecting student data. Dr. Howe noted that the SLDS Program views this project as a tool that will facilitate efficient research for decision making. This tool comes in the form of a set (or multiple sets) of hypothetical students that help people test assumptions with regard to actual students because the results for the groups of hypothetical students mimic the results for groups of actual students. Accordingly, it will allow states to do more research and evaluation with greater security.

Dr. Howe also explained that this project has been approved and funded by National Center for Education Statistics as part of the state longitudinal data system grant under the evaluation and research priority area. This is because it is a mechanism that will create efficiencies to increase the use of data for decision making - the overall focus of the grant.

Dr. Howe went on to note that the synthetic data is the back-end product that enables the user-facing products like dashboards and reports. This project puts data use and student privacy in perfect harmony.

This sentiment would seem like an oxymoron, but that's what this project will be able to do, and it is intriguing work. In fact, it's leading edge work that other states are very interested in since they are grappling with the challenge of increasing use and ensuring privacy and confidentiality of student data.

Finally, Dr. Howe noted that it will take time to clean the actual data and build the synthetic data sets before they are available for use. In the short term, MLDS staff will get to know the data extremely well resulting in higher data quality which means even the current work with the existing data will be of higher quality. With greater understanding and greater data quality comes better products, such as dashboards and other reports, that are underway simultaneously. In the long-term there will be a solution and process that will allow Maryland to get more out of its data system to make better decisions. For external stakeholders utilizing the synthetic data, agreements for data privacy will not be necessary as the data sets are based on hypothetical students.

In response to a question by Dr. Fielder, Dr. Howe explained that this SLDS grant is extendable beyond the stated time period (in this case 4 years). That is typical of these grants and extensions are provided as long as the state is showing progress. The time period for this grant is October 1, 2015 through September 30, 2019.

Dr. Passmore noted that the Board recently received advice from the Office of the Attorney General (OAG Memo) confirming the legal authority of the Center to conduct the project. However, there was one caveat:

*Although the FERPA compliance issue hinges to some extent on the construction of State law, FERPA is a federal statute that the USDOE is charged with implementing. Accordingly I recommend that the MLDS seek the Department's confirmation that the arrangement reflected in the synthetic data MOU is consistent with federal law.*

Dr. Howe responded that since synthetic data is hypothetical data, it does not present a FERPA issue. She did however, acknowledge that using the Center's actual data to develop the synthetic data does implicate FERPA because it is actual student data.

Ms. O'Croinin explained that the last portion of the OAG Memo, which was written by Adam Snyder, Chief of Opinions and Advice, referenced PTAC, the Privacy Technical Assistance Center a group within the U.S. Department of Education. PTAC provides technical advice to organizations, such as the MLDS, to help resolve issues around the use of student data. When this issue arose Ms. O'Croinin submitted the questions to PTAC. A conference call was held with them on May 27, 2016. Following that call, PTAC took the issues to its roundtable - which includes various members including legal counsel. Ms. O'Croinin received a response from PTAC the morning of the Governing Board meeting which stated that PTAC did not find any FERPA issues with the grant and the arrangements proposed by Maryland (noting however, that they could not weigh in on the permissibility of authorized staff under Maryland law).

Ms. O'Croinin stated that the PTAC response and the OAG Memo answered the legal questions raised about the project and the MOU.

Dr. Fielder noted that only three of the seven questions posed to the Attorney General were answered in the OAG Memo and that the MOU contains an incorrect end date. Dr. Fielder also raised concerns that the email Ms. O'Croinin received from PTAC does not satisfy Mr. Snyder's recommendation in the OAG Memo for formal advice on FERPA compliance.

In response, Ms. O’Croinin stated that the PTAC email does constitute their advice and approval. They do not provide formal legal opinions. In the email Baron Rodriguez, Director of PTAC, stated that should MLDS want someone to further discuss and validate this advice, he would be willing to appear before the Board to do so. In response to Dr. Fielder, Ms. O’Croinin stated that Mr. Rodriguez’s statement should not be construed to mean the matter was not settled. Instead it should be understood as an offer to further discuss and further validate the advice provided.

Ms. Bjarekull stated her opinion that the Board should wait to vote on the synthetic data project MOU for the following reasons.

1. The OAG Memo, which is not an Opinion of the Attorney General, was not received by the Board members until the meeting, leaving no time to review in depth and seek the input from her institutions’ counsels;
2. The PTAC advice has not been shared with the Board;
3. There are still outstanding issues not addressed by the OAG Memo; and
4. The Center is still in the middle of its first IT security audit and should wait for those confirmations before considering this new project.

Dr. Passmore noted that he had a different opinion. He stated that the legal questions have been answered. Further, there are real time constraints for the universities and failure to act on the MOU will cost real jobs. Dr. Passmore noted that there has already been a six month delay while working through the issues surrounding this project. Dr. Passmore noted that the Board could approve the MOU today and, if legal issues do arise, pull back or make changes as necessary to accommodate those legal concerns.

Dr. Passmore acknowledged that there is a difference of opinion and stated that he agrees that the project should have first been built into the Research Agenda. Nonetheless, since there are no legal issues and no risk regarding release of synthetic data in the near future, holding up approval of the MOU only serves to negatively impact the University System’s effort to remain a good partner with the MLDS.

Ms. O’Croinin responded to comments raised regarding the questions not addressed in the OAG Memo. Those questions involve DLLR workforce data and raise a manyof the same issues surrounding the meaning of authorized staff of the Center. Now that the authorized staff issue has been settled, those final issues can be analyzed and resolved.

Dr. Fielder asked whether the Motor Vehicle Administration (MVA) data would be part of the synthetic data project. Ms. O’Croinin responded that it would not be part of the project since that data is only used to validate identities and is only contained in the Master Data Management System (MDM) which is not utilized for the synthetic data project.

Dr. Fielder also questioned the delays in getting the advice, the incorrect dates stated in the MOU, and the fact that MSDE is not a party to the agreement. In response, Ms. O’Croinin noted that the various attorneys have been working on these issues for months and it was not a last minute effort, a retroactive provision is permissible, and the other agencies do not need to be a party to the MOU since the purpose of the MOU is to establish scope of work to conduct the project.

Mr. Harrison noted that one of the significant factual question not resolved is what workforce data elements are in the ODS (Operational Data Store). DLLR is seeking a determination from the U.S.

Department of Labor on the proper use of the quarterly wage data to ensure that the use by MLDS are not violating federal data wage regulations. DLLR is the recipient of millions of dollars of federal funds and is not comfortable moving forward until these assurances are received.

Dr. Passmore asked Dr. Howe how many states use federal wage data. Ms. O’Croinin stated that there are 19 states who use federal wage data as part of the state longitudinal data systems. Rachel Zinn, Director of Workforce Data Quality Campaign was recognized by the Chairman and informed the Board that 19 states link K-12 data and wage records and over half the states link postsecondary and wage data.

Ms. Bjarekull noted that the synthetic data is unique to the MLDS. Accordingly, how other states share and use data is not relevant since they are not putting their data to this same novel use. Federal law places specific limitations on data use and sharing. Synthetic data will enable anyone to have access for any possible use - including for personal gain or commercial purposes. Accordingly, it is vital to make sure that the synthetic data can not be re-identified. The MICUA institutions are similarly concerned - they also have millions of dollars at stake if the institutions are sued. She reiterated that given the late receipt of the OAG Memo, the fact that the IT security audit is still ongoing, and the other issues, she is not prepared to vote on the MOU.

Mr. Goldstein responded by noting that the work on the synthetic data project is no different than any other work the Center does with the data. The project involves working with and analyzing the data in the ODS. While the outcome is novel - the work itself is not. Further, Mr. Goldstein acknowledged Ms. Bjarekull’s concern about re-identifying the synthetic data, noting that the project builds in extensive testing to ensure reverse engineering cannot occur. If it can occur, it is a failed experiment and the synthetic data will not be released. The Board can play a role in ensuring the highest levels of accountability for the synthetic data. Finally, responding to the concern that the IT security audit has not been completed, Mr. Goldstein stated that the Office of Legislative Audits conducted a review of the system last year which resulted in some findings and corrective actions, but no major issues or security concerns. The Executive Director indicated confidence in the security of the System. He further noted that the current audit is to confirm that confidence and identify areas where improvements can be implemented.

Mr. Fielder stated that he would entertain a motion to defer this vote for three weeks and then come back in a special session to vote. This would provide MICUA time to review the OAG Memo with its institutions and the Assistant Attorneys General an opportunity to resolve the remaining issues. Tina offered that motion, which was seconded by Mr. Harrison.

Dr. Passmore stated his objection to the motion to defer. The Assistant Attorneys General have had sufficient time to review, there is no risk created by the project, the system is secure, researchers are not using any personally identifiable information, and the use of the data for the project fits in line with how data is currently being used. Specifically, Dr. Passmore noted that the research reports presented earlier could not have been produced without MLDS data and included workforce data. So if there is an objection to the use of workforce data - then there is an objection to the basic structure of the Center.

At the request of Mr. Harrison, Gunther Willis, Assistant Attorney General for DLLR explained that DLLR does not have an issue with the questions answered in the OAG Memo. However, they are requesting consideration of the ones not answered. They are awaiting guidance from the U.S. Department of Labor to determine the proper use by the MLDS of quarterly wage data. Ms. Willis reiterated the concern that the State is at risk of losing Unemployment Insurance dollars if it is determined that the State

is not properly using that data. Ms. Willis further stated this not an IT security issue, it is an issue of confidentiality and ensuring the state is providing proper access to the labor data.

There was a discussion of the issue of “authorized staff of the Center.” Ms. Willis asserted that there may be a different standard for purposes of federal labor law. However, Ms. O’Croinin stated that matter has been settled by the OAG Memo which states that the Center can appoint researchers as staff of the Center. The fact that they are staff does not change based on whether you are looking through the lens of FERPA, student data, or labor data.

Dr. Stapleton requested an opportunity to address the Board, which the Chairman granted. Dr. Stapleton requested the Board vote with a provisional indication that the concerns be addressed. Dr. Stapleton stated that the Center requested her to develop this proposal. She did so and brought on researchers to work on it - one of whom is a postdoctoral researcher from France who will have to return to France if he is not under contract by July.

Dr. Fielder withdrew the prior motion to delay the vote and Mr. Phillips made a new motion to move ahead with the project with the provision that additional legal issues that need to be worked out are resolved and taken under advisement. The motion was seconded by Mr. Rizzi.

Mr. Harrison noted his opposition to the motion because the synthetic data project should have come before the Board before it was submitted. Mr. Rizzi supported the motion because he wants to move forward and the motion allows the Center to do so while still providing the opportunity to address and respond to legal concerns. Mr. Rizzi also noted that the project will help the Center do its job more effectively.

The motion was approved as follows: Dr. Passmore, Dr. Johnson, Ms. Rollins, Mr. Phillips, and Mr. Rizzi voted to for the motion and Mr. Harrison, Dr. Fielder, and Ms. Bjarekull voted against the motion.

#### Extension of MOU between MLDS Center and University of Maryland, Baltimore

Mr. Goldstein stated that there is another pending action to extend the current MOU with University of Maryland, Baltimore establishing the Research Branch. That MOU ends on June 30th and has a renewal provision. Mr. Goldstein requested the Board’s approval to sign off on the extension.

Mr. Harrison noted DLLR had submitted proposed edits to the extension of the MOU. The proposal includes the following:

1. A provision stating that each agency’s data sharing MOU control the confidentiality, access and use of the data and is incorporated into the agreement. The provision also requires research staff under the MOU to sign an acknowledgement confirming review of the agency’s MOUs;
2. Revising the Research Output provision to clarify that output may only be aggregate data;
3. Making the chairman the signatory of the extension; and
4. Changing the term of the extension from one year to six months.

Mr. Goldstein noted that research staff, based on the OAG Memo, are the same as all other Center staff. Accordingly, they must abide by the same requirements as all staff when it comes to Center output, which according to state law is strictly limited to aggregate de-identified data.

Mr. Rizzi agreed that the provisions were redundant, but stated that it wasn't necessarily bad to reiterate these important points. Dr. Passmore also agreed with the DLLR proposed edits, except limiting the extension to six months, which he noted makes budgeting difficult for the universities.

There was then a discussion about the Chairman's authority to sign legal documents or delegate that authority to the executive director. Dr. Fielder stated that as a general principle he does not delegate such tasks.

Ms. O'Croinin stated that the motion before the Board was to approve the amendment to the 2014 MOU between the MLDS Center and the University of Maryland, Baltimore, with the following changes (proposed by DLLR):

1. Adding the provision regarding the inclusion and acknowledgement of source agency's MOUs;
2. Revising the Research Output provision to clarify that output is limited to aggregate data; and
3. Dr. Fielder as the signatory.

The term of the amendment would be one year.

Mr. Rizzi offered the motion which was seconded by Mr. Johnson. By a show of hands, the motion passed unanimously [02:10:38].

### **Approval of Bylaws**

Mr. Goldstein began by noting that currently the bylaws designate to the executive director the authority to enter into contracts and sign documents. The Board has expressed a general desire to exercise more oversight. There have been several proposals. One approach is that everything comes to the board for approval - grant applications, MOUs, and contracts over \$10,000. Mr. Goldstein noted that his concern with that approach is that it does not provide enough flexibility. Therefore, he created another proposal that would authorize the Chairman to approve expenditures when an expenditure is required before the next regularly scheduled Board meeting. The Chairman would have the authority to approve the expenditure, hold a special meeting, or defer the decision to the next Board meeting. Similarly with grants, if there is not sufficient time to wait until the next Board meeting, the Chairman could approve the grant, call a special meeting, or reject the grant proposal.

Ms. Bjarekull proposed an amendment to clarify that when reviewing a proposed grant, in addition to considering whether the subject of the grant is related to a question on the Research Agenda, the Chairman should also consider whether the grant project would be in compliance with state law.

Next there was a discussion about how a special meeting could be conducted. Ms. O'Croinin stated a special meeting could be conducted by conference call provided that sufficient notice is provided (specifically 48 hours and disseminating notice through OAG press channels) and opportunity for the public to be included.

Ms. Bjarekull stated that two days is not a sufficient amount of time to review the minutes before the Chairman approves them and suggested that approval be held until the next Governing Board meeting. Ms. O'Croinin noted that the provision is a best practice to get minutes out as soon as practicable after the meeting. It was suggested that the minutes be circulated and approved by the Chairman as a draft, which then can be posted to the website. Final approval could then wait until the next Board meeting.

Mr. Rizzi noted his preference to allow the Center to do its job and limit the Board's role to general advice and oversight, not operations. Specifically, he proposes to strike section 5.5.

Dr. Passmore asked whether there are any restraints on the executive director's ability to expend money. Mr. Goldstein noted that MSDE is the budgetary authority? for the MLDS Center . Accordingly, all expenditures go through MSDE approval paths, as well as, any required external agency review (such as the Department of Budget and Management).

Mr. Harrison noted that all of the DLLR boards and commissions have this type of oversight. Ms. O'Croinin noted that the DLLR boards are under the umbrella of DLLR versus the MLDS which is an independent unit of state government.

Ms. Bjarekull stated that she thought this type of oversight is a best practice which provides oversight for the Board and protects the executive director. Mr. Goldstein stated he had no problems with the additional oversight, provided there was some flexibility to accommodate unforeseen circumstances.

Mr. Harrison noted that DLLR had additional amendments. The amendments specify that the Board does not delegate to the executive director and instead requires a vote for: MOUS between MLDS and any state agency; multi-year agreements or MOUs to which MLDS is a party; and any grant application. The amendments also change section 2.1 to specifying that the Chairman's authority to enter into contracts is subject to review and approval by the Board, unless delegated to the executive director.

There was a discussion on whether to postpone action on the bylaws until the next meeting, given the various versions. Postponement would be contingent on the understanding that the executive director act in accordance with the direction stated in the proposed version of the bylaws - specifically to seek Board approval for grants and expenditures over \$10,000.

Ms. Bjarekull noted her desire to approve the bylaws and her disappointment at the number of items distributed to members at the last minute. Dr. Passmore suggested voting on the version of the bylaws distributed on June 3, 2016. It was noted that the revised bylaws allow changes to be made at anytime. Accordingly, the Board could vote to approve the bylaws and then come back and make any needed changes at the next meeting.

After further discussion, Dr. Passmore's suggestion was accepted as a motion and seconded by Ms. Bjarekull.

The motion was approved as follows: Dr. Passmore, Dr. Johnson, Ms. Rollins, Mr. Phillips, Ms. Bjarekull, and Dr. Fielder voted for the motion and Mr. Harrison and Mr. Rizzi voted against the motion.

### **New Business**

Mr. Harrison raised the issue of the data de-linking policy and noted that DLLR had concerns about aspects of that policy. Mr. Goldstein explained that there had been several discussions at the Research and Policy and Data Governance Advisory Boards about how to implement the requirement to de-link student and workforce data five years after the student last attended a Maryland educational institution. The discussion also included how to implement the requirement in the DLLR data sharing MOU that MLDS purge workforce records that are not linked to a student record. Mr. Goldstein stated that it is not a policy and has not been reviewed by the Board. Instead, it is a statement on how the Center is implementing policies. The goal was to put the plan in writing to seek input from partner agencies and other experts. Mr. Harrison noted that DLLR is concerned that part of the plan may violate the data sharing agreement. The Chairman asked that the plan be sent to the Governing Board for review.

**Adjournment**

Dr. Fielder reminded the members that the next meeting will be held on September 9<sup>th</sup> at 9 a.m. at the same location. Dr. Fielder wished everyone a happy summer and then adjourned the meeting at 12:00 p.m.

Respectfully submitted,  
Ross Goldstein  
Executive Director

**Approved:** *September 9, 2016*